



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

APR 27 2012

The Honorable Frank Standifer, III
President of the Native Village of Tyonek
P.O. Box 82009
Tyonek, Alaska 99682-0009

Dear President Standifer:

This letter is in follow-up to my February 2, 2012, letter regarding the proposed Chuitna Coal Project and your invitation for a government-to-government consultation leadership meeting with the Native Village of Tyonek. As discussed in my February letter, we have drafted a Memorandum of Understanding between the EPA and the NVT leadership outlining a proposal for ongoing coordination and consultation at the staff and leadership levels, as well as a fact sheet explaining our potential regulatory roles and responsibilities in the proposed project.

As explained in the fact sheet and draft MOU, our regulatory role in the proposed project is primarily oversight in nature; we have no regulatory action to take with regards to directly permitting or authorizing the development of the proposed project. The timing and schedule of our oversight actions is governed by our partner agencies' processes and schedules, and is largely out of our control. As the State of Alaska and Army Corps of Engineers develop respective schedules for their regulatory actions, we will better understand the timing of our oversight responsibilities and actions. Because of the uncertainty with schedule at this time, the draft MOU does not specifically identify the timing for each consultation and coordination opportunity between the EPA and the NVT. Rather, it sets up an agreement for regularly scheduled conference calls directly between the EPA and the NVT staff to discuss hot topics, issues of concern, upcoming actions and the need for any follow-up meetings or discussions between the EPA and the NVT leadership. We believe this approach will allow for appropriate coordination and consultation between the NVT and the EPA given our oversight role and the uncertainty surrounding the proposed project's regulatory schedule.

As you will see from the draft MOU, we envision the regularly scheduled conference calls taking place primarily between the EPA and the NVT staff. As discussed in my February 2012 letter, leadership discussions and meetings can be scheduled as appropriate, such as when we are considering a regulatory action, when there is an opportunity for meaningful NVT input, or when there is a significant leadership-level issue to discuss. If during a quarterly call the EPA or the NVT staff identify the need for a leadership meeting this would be elevated to the EPA and the NVT leadership for consideration and follow-up.

We look forward to receiving your comments on the draft MOU. Kate Kelly, Director of the Office of Ecosystems, Tribal and Public Affairs will coordinate with you and your staff to finalize and execute the agreement.

In the interim, I will be attending the 2012 Tribal Leaders Summit in Grande Ronde, Oregon during the week of April 30, 2012. It is my understanding that representatives from the NVT will also be in attendance. As part of my time at the Summit I intend to be available for discussion with Tribal representatives, and would welcome the opportunity to meet and engage with leaders from the NVT.

If you want to share any thoughts or comments, please contact Ms. Kelly at (206) 553-1271 or via email at kelly.kate@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran", with a long horizontal flourish extending to the right.

Dennis J. McLerran
Regional Administrator

Enclosures:

cc: Ms. Marcia Heer, Corps of Engineers
Mr. Tom Crafford, Alaska DNR
Mr. Phil Brna, USFWS